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**JUL 16 2004**

In re Application of  
Ives  
Application No. 10/038,016  
Filed: January 3, 2002  
For: DEPRESSED COLLECTOR

**OFFICE OF PETITIONS  
ON PETITION**

This decision concerns the June 10, 2004 petition under 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned on December 13, 2003 for failure to timely respond to the September 12, 2003 non-final Office Action.

The instant petition encloses an amendment and the \$665 petition fee (small entity), and states in essence that the entire delay in responding to this non-final Office action from the due date until the filing of a grantable §1.137(b) petition was unintentional. The petition is thus granted.

Finally, the petition encloses a \$475 payment intended for a 3-month extension of time. However, an extension of time under 37 CFR 1.136 may only be obtained prior to expiration of the maximum extendable reply period.<sup>1</sup> The request for extension of time submitted with the instant petition is not applicable, in that, it is filed subsequent to the maximum extendable reply period, i.e., subsequent to March 12, 2004. Accordingly, the \$475 payment has been refunded.

The application file is being returned to Technology Center 2800 for further examination.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang  
Petitions Attorney  
Office of Petitions

<sup>1</sup> See In re Application of S., 8 U.S.P.Q.2d 1630, 1631 (Comm'r Pats. 1988).